

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

**FEDERAL INSURANCE COMPANY'S  
RULE 26(A)(1) SECOND  
SUPPLEMENTAL DISCLOSURES**

FEDERAL INSURANCE COMPANY, an  
Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY, a  
Pennsylvania corporation,

Defendants.

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Defendant Federal Insurance Company (“Federal”) makes the following supplemental disclosures under Federal Rule of Civil Procedure 26(a)(1). These supplemental disclosures are based on the information reasonably available to Federal. Federal reserves the right to supplement or amend these disclosures in accordance with the Federal Rules of Civil Procedure.

- A. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:**

**RESPONSE:**

The following individuals are likely to have discoverable information that Federal may use to support its claims and defenses. Discovery is ongoing, and Federal reserves its right to supplement these disclosures as it becomes necessary.



NAME	SUBJECTS OF INFORMATION
<p>Tamra Pawloski Vice President, Global IT Vendor Management - Software and Compliance</p> <p>Contact through counsel for Federal</p>	<p>Ms. Pawloski has knowledge regarding meetings and communications between the parties, Federal's use of the Blaze Advisor software, and the Scope of Work agreement for installation and use of the Blaze Advisor in the United Kingdom.</p>
<p>Henry Mirollyuz Senior Systems Architect</p> <p>Contact through counsel for Federal</p>	<p>Mr. Mirollyuz has knowledge regarding Federal's use of the licensed software, communications between the parties, and a request made by a third party consultant to FICO regarding the Blaze Advisor software.</p>
<p>Pamela Lopata Assistant Counsel</p> <p>Contact through counsel for Federal</p>	<p>Ms. Lopata has knowledge regarding communications between the parties.</p>
<p>Ramesh Pandey Enterprise Architect Practice</p> <p>Contact through counsel for Federal</p>	<p>Mr. Pandey has knowledge regarding Federal's use of the licensed software and communications between the parties.</p>
<p>Thomas F. Carretta Associate General Counsel, FICO</p>	<p>Mr. Carretta has knowledge regarding a letter sent to Joseph F. Wayland dated January 27, 2016.</p>
<p>Zorica Todorovic SVP – Operations and IT, CIO Chubb Insurance Company of Canada</p> <p>Contact through counsel for Federal</p>	<p>Ms. Todorovic may have knowledge regarding Federal's use of Blaze Advisor in Canada.</p>
<p>Russell Hodey</p> <p>Contact through counsel for Federal</p>	<p>Mr. Hodey may have knowledge regarding Federal's use of Blaze Advisor in Australia.</p>
<p>David Gibbs Federal (Former)</p> <p>Contact through counsel for Federal</p>	<p>Mr. Gibbs may have knowledge regarding Federal's use of Blaze Advisor in the United Kingdom.</p>

NAME	SUBJECTS OF INFORMATION
<p>Jim Black Federal (Former)</p> <p>Contact through counsel for Federal</p>	<p>Mr. Black is a former Federal employee who was involved in negotiations regarding the 2006 software license agreement.</p>
<p>Owen Williams Federal (Former)</p> <p>Contact through counsel for Federal</p>	<p>Mr. Williams is a former Federal employee who was involved in negotiations regarding the 2006 software license agreement.</p>
<p>Mark Berthiaume Federal (Former)</p> <p>Contact through counsel for Federal</p>	<p>Mr. Berthiaume is a former Federal employee who may have discussed the scope of the 2006 software license agreement with employee(s) of FICO.</p>
<p>Phil Folz Federal (Former)</p> <p>Contact through counsel for Federal</p>	<p>Mr. Folz is a former Federal employee who was involved in negotiations regarding the 2006 software license agreement.</p>
<p>Oliver Clark FICO</p>	<p>Mr. Clark is a FICO employee who was involved in discussions with Federal employees regarding use of Blaze Advisor outside the United States.</p>
<p>Lawrence Wachs FICO (Former)</p>	<p>Mr. Wachs is a former FICO employee who was involved in negotiations regarding the 2006 software license agreement.</p>
<p>Russell Schreiber FICO (Former)</p>	<p>Mr. Schreiber is a former FICO employee who may have knowledge regarding the 2006 software license agreement.</p>
<p>Kevin Harkin SVP, North America FP&amp;A/Financial Operations</p> <p>Contact through counsel for Federal</p>	<p>Mr. Harkin has knowledge regarding the company's financial operations.</p>
<p>Andrea Phillips Vice President, Controller, Canada Finance</p> <p>Contact through counsel for Federal</p>	<p>Ms. Phillips has knowledge regarding the company's financial operations in Canada.</p>

NAME	SUBJECTS OF INFORMATION
<p>Ewen Setti Federal (Former)</p> <p>Contact through counsel for Federal</p>	<p>Mr. Setti has knowledge regarding Blaze Advisor use in the United Kingdom.</p>
<p>Mike Hutchinson Systems Director</p> <p>Contact through counsel for Federal</p>	<p>Mr. Hutchinson has knowledge regarding the applications that use Blaze Advisor in the United Kingdom and Europe.</p>
<p>Paul Johnston European Financial Controller, Finance</p> <p>Contact through counsel for Federal</p>	<p>Mr. Johnston has knowledge regarding the company's financial operations in Europe.</p>
<p>Stuart Fisher Vice President and Head of IT</p> <p>Contact through counsel for Federal</p>	<p>Mr. Fisher has knowledge regarding the applications that use Blaze Advisor in Australia.</p>
<p>Runesh Roy</p> <p>Contact through counsel for Federal</p>	<p>Mr. Roy has knowledge regarding the company's financial operations in Australia.</p>
<p>Paul Seeley AVP, Information Technology</p> <p>Contact through counsel for Federal</p>	<p>Mr. Seeley has knowledge regarding the applications that use Blaze Advisor in the Chubb Specialty Insurance (CSI) business unit (pre-merger) and the Financial Lines Unit (post-merger) in the United States.</p>
<p>C. Chase McCarthy IT Lead, North America Commercial Middle Market/Chief Architect, Personal Risk Services</p> <p>Contact through counsel for Federal</p>	<p>Mr. McCarthy has knowledge regarding the applications that use Blaze Advisor in the Chubb Commercial Insurance (CCI) business unit in the United States.</p>

NAME	SUBJECTS OF INFORMATION
<p>Tracie D. Jerd AVP, NA Enterprise Solutions</p> <p>Contact through counsel for Federal</p>	<p>Ms. Jerd has knowledge regarding the Premium Booking application.</p>
<p>Claudio Ghislanzoni</p> <p>Contact through counsel for Federal</p>	<p>Mr. Ghislanzoni has knowledge regarding Blaze Advisor rules usage.</p>
<p>Mike Schraer Underwriting Manager</p> <p>Contact through counsel for Federal</p>	<p>Mr. Schraer has knowledge regarding the applications that use Blaze Advisor in the Chubb Specialty Insurance (CSI) business unit (pre-merger) and the Financial Lines Unit (post-merger) in the United States, specifically Decision Point.</p>
<p>Helen Mencke Financial Lines Unit</p> <p>Contact through counsel for Federal</p>	<p>Ms. Mencke has knowledge regarding the operations of the Financial Lines Unit, including the CSI Express suite of applications.</p>
<p>Alissa Theberge Financial Lines Unit</p> <p>Contact through counsel for Federal</p>	<p>Ms. Theberge has knowledge regarding the underwriting service center which underwrites certain risks.</p>
<p>Ellen Garnes Operations Manager, Commercial Lines Unit</p> <p>Contact through counsel for Federal</p>	<p>Ms. Garnes has knowledge regarding workflow and use of Blaze Advisor within the Commercial Lines Unit.</p>
<p>Nancy Verduin Commercial Lines Unit</p> <p>Contact through counsel for Federal</p>	<p>Ms. Verduin has knowledge regarding how work was routed prior to use of Blaze Advisor.</p>

- B. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:**

**RESPONSE:**

1. Software License and Maintenance Agreement and Amendments.
  2. Communications between the parties relating to the Software License and Maintenance Agreement.
  3. Documents reflecting Federal's use of the licensed software before and after Federal's parent company, The Chubb Corporation, merged with ACE INA Holdings, Inc.
  4. Scope of work agreement and related documents concerning Federal's use of the licensed software in the United Kingdom.
- C. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

**RESPONSE:**

Federal is seeking damages based on FICO's breach of contract and violation of the implied covenant of good faith and fair dealing. Federal's damages include the attorney's fees, costs and expenses incurred in this lawsuit, and continue to accrue. Federal also seeks an award of full costs, including attorney's fees under 15 U.S.C. § 505.

- D. For inspection and copying under Rule 34 any insurance agreement under which an insurance business may be liable to satisfy part or all of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

**RESPONSE:**

Not applicable.

Dated: March 22, 2019

/s/Terrence J. Fleming

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